

Hays - 50.12.10/29/48
Comal - 12.42

#461

Hays County.
Comal 189

File 2022
C. Abst. 998 H. Abst. 682

Travis.

PRE-EMPTION.

Abst. 682

Adolph Moeller

✓ 62.5 acres.
OK

Act Chap 9 Rps.

Correct on map of
Hays County Oct 23
1893 C. H. Hill

Surveyed unsold school
land. 11/16/87
Map marked ptd.

Jack Giberson
Chief clerk
Mgl. 24/234

a/c Abst. Sup. C
Supp. J
C July 29
C H N 87

CONTENTS

- No. 1. Affidavit. } 7/16/89.
No. 2. Field Notes. } Daniel
No. 3. letter - Tax Assessor Collector
10-29-48 - SL
No. 4. letter - Tax Assessor Collector
10-29-48 - SL

5. Memo - Jack Giberson
Herman Forbes 11-19-87 - SL

6. Letter to Lawrence A. Stoepler
3-11-88 - SL

7. Memo to Jack Giberson - 1-10-92 - BD

CORRECT ON MAP 62.5 ACRES
FN OK for patenting
12/05/91 CBT

PATENT TO LAWRENCE STOEPLER,
ORIG., WITH ALL MINERALS AND
LEASING RIGHTS CONVEYED, IN
ACCORDANCE WITH ART. VII, SEC. 4A,
OF THE TX. CONSTITUTION, 1-29-92. In

Jack Giberson
CHIEF CLERK

PATENTED 3-19-92

NO. 461 VOL. 46-B

MAILED CO. CLK. 3-27-92

8. Gov. ltr. 2-27-92
9. Co. Clerk ltr. 3-26-92

Otto Froos.

10. Tax Assessor ltr. 3-1-93
SUPPLEMENT J

Patent Fee - \$50.00 - 1312 - Reg. # 92020352
Reg. Mail Fee - \$5.50 - 3129 - Reg. #
Rec. fee \$10.00 - ~~3129~~ Reg. #

(refunded)
to Fed Patent Recording
Acct.)

Send patent to:

Lawrence A. Stoepler

HC 3, Box 19F

New Braunfels, TEXAS 78132 ✓

12
The State of Texas
County of Hays } Application of Adolph
Mueller for a survey of 80 acres of Public
Domain. I Adolph Mueller of the County
of Hays and State of Texas do hereby
apply to the County Surveyor of said County
and State for a survey of 80 acres of public
land situated in said County and State
as follows to wit:

20
Beginning at the N. W. corner of the
J. Hannon Survey. Thence North to the
S. W. corner of the A. Royell's Preemption.
Thence East to the S. E. corner of said
survey. Thence South to the S. W. corner
of the James C. Stephenson Preemption.
Thence West to the place of beginning
I claim the above described land for myself
in good faith under the laws granting
homestead donations, I am without any
homestead of my own, I have actually settled
upon the land that I claim and I believe
the same to be vacant and unappropriated
public domain Adolph

Witness my hand this 20th day of April
A. D. 1889. Adolph Mueller.

Seen to and subscribed before me this 20th
day of April A. D. 1889.

Jas B Storey
C. L. C. & Co.

n^o. 204.

© File 2022.
Favis Pumph

Adolph Mueller
Application
H. C. T. Denotation
4/20/89
7/11/89

Adolph Mueller

Affidavit

Filed July 11/89.

R. D. Shueley
Chief Clerk

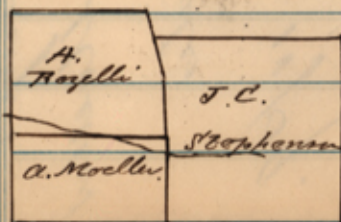
Filed April 20/89.

Otto Guor Co. F.

Hays Co. Texas

Recorded May 17/89
in Book D page 122

O. Guor Survey
H. C. T.



J. Hannon
Scale 1000 varas to the inch

The State of Texas
County of Hays
Field notes of a Survey of
62½ acres of land made
for Adolph Moeller by
virtue of his homestead

application No. 204.

Said survey is in Hays County Texas
on the waters of Purgatory Creek, a tributary
of the San Marcos River about 11 miles N. W.
from San Marcos & bounded as follows.

Beginning at a rock mound on top
of a hill being the N. W. corner of the J.
Hannon survey.

Thence North 464 varas to the S. W. corner
of the A. Rozelli Preemption a rock mound
from which a Pease m'd & bears S 19° W. 28½ var.

Thence East crossing Purgatory Cr. 760¾ var
to A. Rozelli's S. E. corner.

Thence South with J. C. Stephenson survey
at 65 varas cross Purgatory 464 varas
to rock mound the S. W. corner of said J. C.

Stephenson survey. f. m. a L. C. m'd S. bears
N 28° W. 6 varas another bears S. 32½° E. 29½ var.

Thence West with the North line of the J. Hannon
survey 760¾ varas to the place of beginning
Surveyed May 22nd 1889

P. Muller

Otto Groos Surveyor

W. Groos & O. C.

Hays Co. Texas

I Otto Groos County Surveyor of Hays
County Texas do hereby Certify that the
foregoing survey was actually made by me.

on the ground according to law, and that
all the corners, lines, boundaries and marks
of the same whether natural or artificial are
truly and correctly described and set forth
in the foregoing plat and field notes & recorded
in Book D page 368 this the 6th day
of July A. D. 1889.

Otto Geyer County Surveyor
Hays Co. Texas

new Section
7/16/89
6/16/89

Otto Geyer

(12) *Free 2022.*

Transcript to
Adolphus Haerter

For notes

This July 11/89.

R. D. Wheeler
Chief Clerk

Correct on map of
Hays County Tex
23/93
6/16/89

CORRECT ON MAP 62.5 ACRES
FN OK for patenting
12/05/91 OBT
PATENTED 3-19-92
NO. 461 VOL. 46-B
MAILED CO. CLK. 3-27-92

FILING FEE PAID.
P. H. HOLLINGSWORTH.
Recorder G. L. O.
C. L. 23
J. H. 85

October 29, 1948

Tax Assessor And Collector
Hays County
San Marcos, Texas

ATTENTION: Mr. J. J. Ashberry

Dear Mr. Ashberry:

Abst. No. 682, Adolph Moeller Survey, containing 62.5 acres has been carried on the records of this office as appearing wholly within Hays County. It now appears that 12.4 acres are located in Comal County, leaving a total of 50.1 acres in Hays County.

The abstract records of this office have been corrected in accordance with the above and this information is forwarded so that you may make like corrections on your tax record.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

MH

File: Travis Preemption 2022

3
Trar. Pr. 2022

Assessor-Collector *Hays*
Co. Notified 10-29-48

October 29, 1948

Tax Assessor And Collector
Comal County
New Braunfels, Texas

ATTENTION: Mr. Wesley Rosenberg

Dear Mr. Rosenberg:

The Adolph Moeller Survey containing 62.5 acres has been carried on the records of this office as being located entirely in Hays County, but it now appears 12.4 acres of said survey are located in Comal County. Abst. No. 998 has been assigned to this tract and this information is forwarded so that you may make the proper entry on your tax record.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

MH

File: Travis Preemption 2022

4

Mar. Pre. 2022

Assessor-Collector *lomal*
Co. Notified 10-29-48

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: November 19, 1987

TO: Jack Giberson
Herman Forbes

FROM: Spencer Reid *SR*

SUBJECT: Travis Pre-2022

On 11/18/87, I talked to Mr. John Dierksen with the Comal County Title Company regarding the captioned file. No certificate was returned with the original survey and therefore this tract is not patentable.

The current claimant is Mr. Otto Stoepples. Mr. Dierksen is going to inform Mr. Stoepples of the state's claim.

R

Travis Pre-2022
me mo
11/19
5405

Travis P-2022

memo

11-19-87

A.E.

patentable.
 returned with the original survey and therefore this tract is not
 the 11/18/87. I talked to Mr. John Dierksen with the Comal County
 title Company regarding the captioned title. No certificate was
 SUBJECT: Travis Pre-2022

FROM:

Spencer Reid

TO:

Herman Forbes
 Jack Giperson

DATE: November 19, 1987

COMMISSIONER
 GARY MAURO

GENERAL LAND OFFICE

MEMORANDUM



Texas General Land Office

Spencer L. Reid
Deputy Land Commissioner
Asset Management Division

Garry Mauro
Commissioner

March 11, 1988

Mr. Lawrence A. Stoepler
H C 3 Box 19F
New Braunfels, Texas 78132

Re: Travis Pre-emption-2022, Adolph Moeller, 62.5 acres in Hays
and Comal Counties

Dear Mr. Stoepler:

I have researched the various statutes relating to the acquisition of land by pre-emption, headright, or settlement to determine what conditions Adolph Moeller would have to meet in order to have received a patent to the captioned land. According to the application of record in Travis Preemption File P-2022, Mr. Moeller filed his application on April 20, 1889. The laws authorizing the acquisition of land by settlement were all repealed by an act of the Legislature approved on March 7, 1889. The act took effect immediately. The fact that Mr. Moeller made his application after the pre-emption laws were repealed makes it impossible to patent the tract under the existing law.

We have cross-checked Mr. Moeller's name and several variations of his name against the pre-emption index to determine whether an earlier application may have been filed. There is no record of any applications or surveys in that name. Since we can find no earlier application, we still must conclude that the land is surveyed unsold permanent school fund land.

Under the various laws and court decisions relating to the permanent school fund, it is well established that the only way to dispose of the land is through a sale for current fair market value. The constitution would have to be amended to allow a patent to be issued without payment for the land. Such an amendment was passed in November 1981. Applications under that amendment were cut off in November 1986 according to the terms of the amendment. I am enclosing a copy of the 1981 provision for your information.

Stephen F. Austin Building
1700 N. Congress Avenue
Austin, Texas 78701
(512) 463-5236

6a

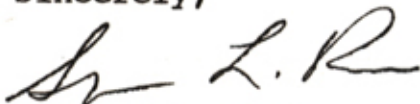
Page 2/Letter
Mr. Stoepler
March 11, 1988

As we discussed when you were in my office, you do appear to qualify for a preferential right to purchase the land as a surrounding land owner. If you want to pursue that option, we will have an appraisal of the property conducted to determine the current fair market value. Furthermore, given the circumstances of your situation, we will recommend that the land be sold to you on terms if you so desire.

Another option would be for you to lease the property from the state. Absent a sale or a lease of the property to you, the only way to clear the title would be amending the constitution.

When you have weighed the various alternatives, please let us know which way you want to proceed. Please call me at 512-463-5236 if you need additional information.

Sincerely,



Spencer L. Reid
Deputy Commissioner
Asset Management

SLR/nde
Enclosure

cc: Ms. Maggie Banner
Senator Bill Simms Office
P.O. Box 12068 - Capitol Station
Austin, Texas 78711

67th LEGISLATURE—REGULAR SESSION

PROPOSED CONSTITUTIONAL AMENDMENT—PUBLIC FREE
SCHOOL LAND—PATENTS—GOOD FAITH AND
COLOR OF TITLE FOR 50 YEARS

H. J. R. No. 117

Proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years as of November 15, 1981.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article VII of the Texas Constitution be amended by adding Section 4A to read as follows:

Sec. 4A. (a) On application to the School Land Board, a natural person is entitled to receive a patent to land from the commissioner of the General Land Office if:

(1) the land is surveyed public free school land, either surveyed or platted according to records of the General Land Office;

(2) the land was not patentable under the law in effect immediately before adoption of this section;

(3) the person acquired the land without knowledge of the title defect out of the State of Texas or Republic of Texas and held the land under color of title, the chain of which dates from at least as early as January 1, 1932; and

(4) the person, in conjunction with his predecessors in interest:

(A) has a recorded deed on file in the respective county courthouse and has claimed the land for a continuous period of at least 50 years as of November 15, 1981; and

(B) for at least 50 years has paid taxes on the land together with all interest and penalties associated with any period of delinquency of said taxes; provided, however, that in the event that public records concerning the tax payments on the land are unavailable for any period within the past 50 years, the tax assessors-collectors of the taxing jurisdictions in which the land is located shall provide the School Land Board with a sworn certificate stating that, to the best of their knowledge, all taxes have been paid for the past 50 years and there are no outstanding taxes nor interest or penalties currently due against the property.

(b) The applicant for the patent must submit to the School Land Board certified copies of his chain of title and a survey of the land for which a patent is sought, if requested to do so by the board. The board shall determine the qualifications of the applicant to receive a patent under this section. Upon a finding by the board that the applicant meets the requirements of Subsection (a) of this section, the commissioner of the General Land Office shall award the applicant a patent. If the applicant is denied a patent, he may file suit against the board in a district court of the county in which the land is situated within 60 days from the date of the denial of the patent under this section. The trial shall be de novo and not subject to the Administrative Procedure and Texas Register Act, and the burden of proof is on the applicant.

(c) This section does not apply to beach land, submerged land, or islands, and may not be used by an applicant to resolve a boundary dispute. This section does not apply to land that, previous to the effective

PROPOSED CONSTITUTIONAL AMENDMENTS

date of this section, was found by a court of competent jurisdiction to be state owned or to land on which the state has given a mineral lease that on the effective date of this section was productive.

(d) Application for a patent under this section must be filed with the School Land Board within five years from the effective date of this section.

(e) This section is self-executing.

(f) This section expires on January 1, 1990.

Sec. 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 3, 1981. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years, as of November 15, 1981."

Passed by the House on May 1, 1981: Yeas 128, Nays 0, 1 present, not voting; House refused to concur in Senate amendments to H. J. R. No. 117 on May 28, 1981, by a non-record vote, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H. J. R. No. 117 on May 30, 1981: Yeas 117, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 21, 1981: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H. J. R. No. 117 on June 1, 1981: Yeas 31, Nays 0.

Approved June 16, 1981.

Filed with the Secretary of State, June 16, 1981.

PROPOSED CONSTITUTIONAL AMENDMENTS—COUNTY TREASURERS—TARRANT AND BEE COUNTIES— ABOLITION

H. J. R. No. 119

Proposing a constitutional amendment to abolish the office of county treasurer in certain counties.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 44, of the Texas Constitution be amended to read as follows:

Sec. 44. (a) Except as provided by Subsection (b) of this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions.

6
⑥ TRAVIS P-2022
CORRESPONDENCE
3-11-88 T.E.

4522

officer who succeeds to the position's functions.

in each of these counties are transferred to the County Auditor or to the
his is abolished and all the powers, duties and functions of the office
(b) The office of County Treasurer in the counties of Tarrant and
and shall have such compensation as may be provided by law.

County Surveys who shall have an office at the county seat and hold
qualified voters of each county in this State of a County Treasurer and a
Legislature shall prescribe the duties and provide for the election by the
Sec. 44. (a) Except as provided by Subsection (b) of this section, the
amended to read as follows:

Section 1. That Article XVI, Section 44 of the Texas Constitution be
be it resolved by the Legislature of the State of Texas:

to certain counties.

proposed a constitutional amendment to abolish the office of county treasurer.

H. J. R. No. 112

ABOLITION

TREASURERS--TARRANT AND REE COUNTIES-- PROPOSED CONSTITUTIONAL AMENDMENTS--COUNTY

Filed with the Secretary of State, June 16, 1981.

Approved June 16, 1981.

Nays 0.

committee report on H. J. R. No. 112 on June 1, 1981: Yeas 31,
between the two houses; and that the Senate adopted the conference
Senate appointed a conference committee to consider the difference
on May 21, 1981: Yeas 31, Nays 0; at the request of the House, the
of 1 present, not voting; passed by the Senate, with amendments,
committee report on H. J. R. No. 112 on May 30, 1981: Yeas 115, Nays
between the two houses; and that the House adopted the conference
appointment of a conference committee to consider the difference
No. 112 on May 29, 1981, by a non-record vote, and redrafted the
voting; House refused to concur in Senate amendments to H. J. R.
Passed by the House on May 1, 1981: Yeas 128, Nays 0, 1 present, not
1981."

known faith under color of title for at least 50 years as of November 16,
Office to issue patents for certain public free school land held in
stitutional amendment authorizing the commissioner of the General Land
be printed to provide for voting for or against the proposition: "The con-
the voters at an election to be held on November 3, 1981. The ballot shall
Sec. 3. This proposed constitutional amendment shall be submitted to
(1) This section expires on January 1, 1980.
(e) This section is self-executing.

School Land Board within five years from the effective date of this sec-
(d) Application for a patent under this section must be filed with the
on the effective date of this section was productive.

PROPOSED CONSTITUTIONAL AMENDMENTS

date of this section was found by a court of competent jurisdiction to be



**Texas General Land Office
Asset Management Division**

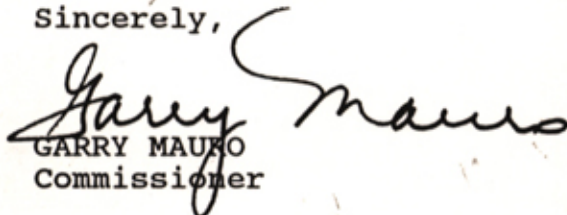
February 27, 1992

The Honorable Ann W. Richards
Governor
State of Texas
Austin, Texas 78711

Dear Governor Richards:

I am enclosing Patent Numbers 461 and 462, Volume 46-B for your signature. These patents are in proper order and comply with the Constitution and laws of the State of Texas and are approved.

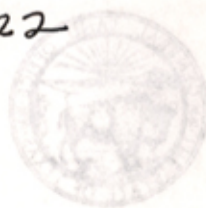
Sincerely,


GARRY MAURO
Commissioner

GM/gb
Enclosures

8.

Travis - Pre-Emption - 2022



Texas General Land Office
Asset Management Division

February 27, 1992

The Honorable Ann W. Richards
Governor
State of Texas
Austin, Texas 78711

Dear Governor Richards:

I am enclosing Patent Numbers 461 and 462, Volume 46-B for your signature. These patents are in proper order and comply with the Constitution and laws of the State of Texas and are approved.

Sincerely,


GARRY MAURO
Commissioner

GM/ep
Enclosures

Garry Mauro
Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701
(512) 463-6010



**Texas General Land Office
Asset Management Division**

March 26, 1992

Ms. Rosie Bosenbury
County Clerk
Comal County Courthouse
100 Main Plaza
New Braunfels, Texas 78130-5189

Dear Ms. Bosenbury:

The enclosed check for \$5.00 made payable to the County Clerk, Comal County, is for recording the enclosed patent in Comal County, issued to the patentee shown therein. Also, enclosed is a check for \$5.00 made payable to the County Clerk of Hays County for recording the enclosed patent in Hays County.

When recorded by you, please deliver this patent and check in person or send by registered mail as required by Section 51.244, Natural Resources Code to Mr. Ronnie Dannelley, County Clerk, Hays County, 104 Courthouse, San Marcos, Texas 78666.

Please request Mr. Dannelley to record the patent in Hays County and then to deliver this patent in person or send by registered mail as required by Section 51.244, Natural Resources Code to Mr. Lawrence A. Stoepler, HC3, Box 19F, New Braunfels, Texas 78132.

Sincerely,

GARRY MAURO

By:

Jack Giberson
Jack Giberson
Chief Clerk

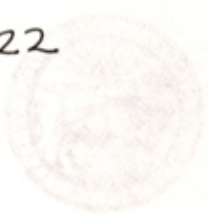
GM/JG/gb
Enclosures

Patent No. 461, Vol. 46-B, Reg. No. 92020352, File: Travis-P-2022

CC - Mr. Lawrence A. Stoepler & Mr. Ronnie Dannelley

9.

Travis - Pre-Emption - 2022



Texas General Land Office
Asset Management Division

March 26, 1992

Ms. Ronnie Dannelley
County Clerk
Comal County Courthouse
100 Main Plaza
New Braunfels, Texas 78130-5185

Dear Ms. Dannelley:

The enclosed check for \$5.00 made payable to the County Clerk, Comal County, is for recording the enclosed patent in Comal County. Also, enclosed is a check for \$5.00 made payable to the County Clerk of Hays County for recording the enclosed patent in Hays County.

When recorded by you, please deliver this patent and check in person or send by registered mail as required by Section 51.344, Natural Resources Code to Mr. Ronnie Dannelley, County Clerk, Hays County, 100 Courthouse, San Marcos, Texas 78666.

Please request Mr. Dannelley to record the patent in Hays County and then to deliver this patent in person or send by registered mail as required by Section 51.344, Natural Resources Code to Mr. Lawrence A. Stoepler, HCS, Box 197, New Braunfels, Texas 78132.

Sincerely,

GARY MANN

By:
Jack Gibson
Chief Clerk

CM/JC/gp
Enclosures

Patent No. 401, Vol. 45-B, Reg. No. 2020322, File: Travis-P-2022

CC - Mr. Lawrence A. Stoepler & Mr. Ronnie Dannelley

Gary Mann
Commissioner

Stephen R. Austin Building
1700 North Congress Avenue
Austin, Texas 78701
(512) 463-6010



Texas General Land Office

Garry Mauro, Commissioner

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 463-5001

March 1, 1993

Ms. Gloria K. Clennan
Tax Assessor-Collector
Comal County Courthouse
100 Main Plaza
New Braunfels, Texas 78130

Ms. Ruth G. Clayton
Tax Assessor-Collector
Hays County
102 North Lyndon Baines Johnson
San Marcos, Texas 78666

Dear Ms. Clennan and Ms. Clayton:

The following land in Comal and Hays Counties, Texas, has been patented to Lawrence Stoepler, Applicant:

62.50 acres known as the Adolph Moeller Survey, Abstract No. 998, Comal County, Texas, and Abstract No. 682, Hays County, Texas, File Travis-Pre-Emption-2022.

Please note this information on your records.

This information will be carried in Abstract Supplement "J", when published.

If you should have any further questions, please call.

Sincerely,

GARRY MAURO

By:

Jack Giberson
Jack Giberson
Chief Clerk

GM/JG/gb

Travis Pre-Emption-2022

Texas General Land Office



March 1, 1997

Mr. Gloria A. Clennan
Tax Assessor-Collector
Comal County Courthouse
100 Main Plaza
New Braunfels, Texas 78130

Mr. Ruth G. Clayton
Tax Assessor-Collector
Hays County
101 North Lyndon Baines Johnson
San Marcos, Texas 78666

Dear Mr. Clennan and Mr. Clayton:

The following land in Comal and Hays Counties, Texas, has been
deeded to Lawrence Scoopier, Applicant:

42.35 acres known as the Adolph Koellier Survey, Abstract
No. 998, Comal County, Texas, and Abstract No. 688, Hays
County, Texas, File Travis-Pre-Emption-2022.

Please note this information on your records.

This information will be carried in Abstract Supplement "3", when
published.

If you should have any further questions, please call.

Sincerely,

CAROL WATSON

[Handwritten signature]
Jack Gibson
Chief Clerk

62-5646

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: February 25, 1992

TO: Travis Preemption 2022

FROM: Bob Dedman 

RE: Mineral Reservation: Stoepler Patent

On January 10, 1992 I submitted a memo to the Chief Clerk, together with the above referenced file for patenting pursuant to Article VII, Section 4A.

After discussions with Asset Management, Legal Services, and the Chief, the mineral reservation was deleted from the file endorsement requested in the memo for the following reasons:

- (1) Article VII, Section 4A does not make any provision for a mineral reservation where there is no production within a five-mile radius of the land; and
- (2) The application was submitted to and approved by the SLB without reference to a mineral reservation.

I lined out the mineral reservation language in the memo to indicate that there was to be no mineral reservation in the patent and drafted a corrected memo for the file. Upon resubmitting the file, I inadvertently left out the correct memo, with the result that the file was endorsed, and the patent was drafted with full mineral reservation.

This memo is placed in the file to explain the correction of the file endorsement and the redrafting of the patent to delete any mineral reservation.

cc: Jack Giberson
Stroud Kelley
Spencer Reid

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: January 10, 1992

TO: Jack Giberson
FROM: Bob Dedman *BD*
SUBJECT: Patent by Article VII, Section 4A
Lawrence Stoepler
Hays and Comal Counties

Attached hereto is Travis Preemption 2022, the "Adolph Mueller" Survey, Abstract 682, 62.5 acres, Hays and Comal Counties. On December 17, 1991 the School Land Board approved the issuance of a patent on this survey to Lawrence Stoepler under the provision of Article VII, Section 4A of the Texas Constitution.

We suggest the following language for endorsement on the file:

"Patent to Lawrence Stoepler, under the provisions of Article VII, Section 4A, Texas Constitution, as approved by the School Land Board 12/17/91."

BD:mh

Attachment

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: January 10, 1992

TO: Jack Giberson
FROM: Bob Dedman *BD*
SUBJECT: Patent by Article VII, Section 4A
Lawrence Stoepler
Hays and Comal Counties

Attached hereto is Travis Preemption 2022, the "Adolph Mueller" Survey, Abstract 682, 62.5 acres, Hays and Comal Counties. On December 17, 1991 the School Land Board approved the issuance of a patent on this survey to Lawrence Stoepler under the provisions of Article VII, Section 4A of the Texas Constitution, with all minerals and leasing rights reserved to the State.

We suggest the following language for endorsement on the file:

"Patent to Lawrence Stoepler, ~~with mineral reservation,~~
under the provisions of Article VII, Section 4A, Texas
Constitution, as approved by the School Land Board
12/17/91."

BD:mh

Attachment

*application
affidavit
& all supporting documents
incl abstract of title*

Garry Mauro
Commissioner
General Land Office

Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701



General Land Office
Land Patent Recording Fee Account
1700 N. Congress Avenue, Room 720
Austin, Texas 78701

DATE RECEIVED	REGISTER NUMBER	AMOUNT TO BE REFUNDED	REASON FOR REFUND	WARRANT NUMBER
12/27/91	020352	\$10.00	Refund to Land Patent Recording Fee Account	

Divison Asset Management By _____

Refund Approved _____ Accounting _____ Warrant(s) Mailed _____

G.L.O. - G.A.-15-(1-83)

SP/4 C/027 \$ REMITTANCE DISTRIBUTION - DO NOT FILE \$

4-21-92

NAME	REMITTANCE DESCRIPTION						FISCAL YEAR	REGISTER NUMBER	AMOUNT
	REFER	TYPE	MO	DAY	YR				
STOEPLER LAWRENCE A	156	H	12	27	91	92	020352	10.00	

FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER	CONTROL NO.	AMOUNT
		\$ 10.00	Refund to Land Patent Recording Fee Account		

\$ REMITTANCE DISTRIBUTION - DO NOT FILE \$

NAME			REMITTANCE DESCRIPTION					FISCAL YEAR	REGISTER NUMBER	AMOUNT
			REFER	TYPE	MO	DAY	YR			
STOEPLER LAWRENCE A			131 171	C	12	27	91	92	20352	90.50
FILE NUMBER	CONTROL NO.	AMOUNT	FILE NUMBER				CONTROL NO.	AMOUNT		
Travis-P-2022	3102	25.00	application fee							
"	1312	50.00	patent fee							
"			split / \$10.00							
"	3129	5.50	Registered mail fee							
			split / \$10.00							
			per Jami Mc Mahan							

Request refund & warrant will be issued and deposited into recording fee account.


171- Legal
141- Surveying
156- Asset

refund ship
Recording fee account
attach distribution

131
M

X 90.50

92020352

MR. OR MRS. LAWRENCE A. STOEPLER		7577
HC 3, BOX 19F 964-3928		
NEW BRAUNFELS, TEXAS 78132		
		88-289/1149
PAY TO THE ORDER OF <u>General Land Office</u>		\$ 90 $\frac{50}{100}$
<u>Ninety & $\frac{50}{100}$</u>		DOLLARS
 New Braunfels	NATIONAL ASSOCIATION P.O. BOX 311385 NEW BRAUNFELS, TEXAS 78131-1385	
MEMO <u>fee for Patent ^{abolish} monetary Survey</u>	<u>Lawrence A. Stoepler</u>	
⑆ 1 1 1 90 2890 ⑆ 7577 ⑆ 0580 1790 1 1 2 ⑆		

Lawrence A Stogler
HC 3 Box 19 F
New Braunfels, Texas 78132



Dept of Transportation
1251 E 11th, Austin
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att: Robert H Oedman

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Estate Section Legal Services
Stephen F Austin Building D-18
1700 North Congress Avenue
Austin, Texas 78701







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Inter-Agency Mail



Department of Transportation
125 E. 11th Street
Austin, Texas



7-20-25--229

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article VII of the Texas Constitution is amended by adding Section 4A to read as follows:

Sec. 4A. (a) On application to the School Land Board, a natural person is entitled to receive a patent to land from the commissioner of the General Land Office if:

(1) the land is surveyed public free school fund land, either surveyed or platted according to records of the General Land Office;

(2) the land was not patentable under the law in effect immediately before adoption of this section;

(3) the person acquired the land without knowledge of the title defect out of the State of Texas or Republic of Texas and held the land under color of title, the chain of which dates from at least as early as January 1, 1941; and

(4) the person, in conjunction with his predecessors, in interest:

(A) has a recorded deed on file in the respective county courthouse and has claimed the land for a continuous period of at least 50 years as of January 1, 1991; and

(B) for at least 50 years has paid taxes on the land together with all interest and penalties associated with any period of delinquency of the taxes; provided, however, that in the event that public records concerning the tax payments on the land are unavailable for any period within the past 50 years, the tax assessors-collectors of the taxing jurisdictions in which the land is located shall provide the School Land Board with a sworn certificate stating that, to the best of their knowledge, all taxes have been paid for the past 50 years and there are no outstanding taxes nor interest or penalties currently due against the property.

(b) The applicant for the patent must submit to the School Land Board certified copies of his chain of title and a survey of the land for which a patent is sought, if requested to do so by the board. The board shall determine the qualifications of the applicant to receive a patent under this section. On a finding by the board that the applicant meets the requirements of Subsection (a) of this section, the commissioner of the General Land Office shall award the applicant a patent. If the applicant is denied a patent, he may file suit against the board in a district court of the county in which the land is situated within 60 days from the date of the denial of the patent under this section. The trial shall be de novo and not subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and the burden of proof is on the applicant.

(c) This section does not apply to beach land, submerged or

1 filled land, or islands and may not be used by an applicant to
 2 resolve a boundary dispute. This section does not apply to land
 3 that, pursuant to an action filed previous to the date of an
 4 application for patent thereon, was found by a court of competent
 5 jurisdiction to be state owned or to land on which the state has
 6 given a mineral lease that is in effect on the date of an
 7 application for patent thereon. A patent under this section for
 8 land within five miles of mineral production shall reserve minerals
 9 to the state in the same manner provided by law for reservations of
 10 minerals in sales to good faith claimants of unsurveyed school land
 11 within five miles of production.

12 (d) Application for a patent under this section must be
 13 filed with the School Land Board before January 1, 1993.

14 (e) This section is self-executing.

15 SECTION 2. This proposed constitutional amendment shall be
 16 submitted to the voters at an election to be held on November 5,
 17 1991. The ballot shall be printed to provide for voting for or
 18 against the proposition: "The constitutional amendment authorizing
 19 the commissioner of the General Land Office to issue patents for
 20 certain public free school fund land held in good faith under color
 21 of title for at least 50 years."

 President of the Senate

 Speaker of the House

I hereby certify that S.J.R. No. 11 was adopted by the Senate
 on March 21, 1991, by the following vote: Yeas 27, Nays 0.

 Secretary of the Senate

I hereby certify that S.J.R. No. 11 was adopted by the House
 on May 22, 1991, by the following vote: Yeas 132, Nays 1, one
 present not voting.

 Chief Clerk of the House